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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,524	03/08/2001	Kunimasa Suzuki	204078US6	5017
22850 7590 08/21/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER SHAAWAT, MUSSA A	
			ART UNIT 3627	PAPER NUMBER
			NOTIFICATION DATE 08/21/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 09/800,524	Applicant(s) SUZUKI ET AL.	
	Examiner Mussa A. Shaawat	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9-12,14-17,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-7, 9-12, 14-17, and 19-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is in response to amendment filed on July, 06, 2007. Claims 3, 8, 13 and 18 have been previously cancelled. Claims 1, 6, 11, and 16 have been amended. Claims 1-2, 4-7, 9-12, 14-17, and 19-20 are pending examination.
2. Amendments to claims 1, 6, 11 and 16 overcame the 35 U.S.C. 112 2nd paragraph rejection, therefore it has been withdrawn. However the 35 U.S.C. 103 rejection is maintained.

Claim Rejections – 35 U.S.C. 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

5. Claims 1-2, 4-7, 9-12, 14-17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp et al. US Pat. No. (6,263,317), in view of Hafner et al. US Pat. No. (5,839,076) and further in view of Foster et al. US Pat. No. (6,493,678).

Claims 1-2, 4-7, 9-12, 14-17, and 19-20 are rejected over Sharp et al. US Pat. No. 6,263,317 in view of Hafner et al. US Pat. No. 5,839,076 as discussed in the previous office action. Further:

Both Sharp et al., and Hafner et al., fail to teach said order condition data, which includes the sales method, indicates through which of the first sales channel and the second sales channel a purchase request was received.

However, Foster et al., teaches said order condition data, which includes the sales method, indicates through which of the first sales channel and the second sales channel a purchase request was received see (col. 5 lines 41-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Sharp et al. in view of Hafner et al., to include said order condition data, which includes the sales method, indicates through which of the first sales channel and the second sales channel a purchase request was received, in view of Foster et al., to allow the user to recognize the brand distribution channels through which the product will be sold, see Foster et al., (col.5 lines 41-43).

Response to Arguments

6. Applicant's arguments have been fully considered but are not persuasive. In particular applicant argues that, Foster fails to teach or suggests generating and transmitting stock order condition data, *wherein said order condition data, which includes the sale method, indicates through which of the first sales channel and the second sales channel a purchase request was received.*

In response, The Examiner respectively disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. The examiner would first like to direct applicant's attention to the fact that Foster was not relied upon to teach "generating and transmitting stock order condition data", however Foster was relied upon to teach *said order condition data, which includes the sale method, indicates through which of the first sales channel and the second sales channel a purchase request was received.*

Foster discloses a user is able to recognize a brand distribution channel, for example the distribution channels may be retail, wholesale, internet and mail order (see col.5 lines 40-55). I.e. when a purchase order is received a user using the channel editor taught by Foster is able to know if the product is being received from retail i.e. second sales channel or Internet i.e. first sales channel. Therefore Foster still meets the scope of the limitation *said order condition data, which includes the sale method, indicates through which of the first sales channel and the second sales channel a purchase request was received* as currently claimed. In addition the limitation *said order condition data, which includes the sale method, indicates through which of the first sales channel and the second sales channel a purchase request was received*" carries little patentable weight, because it pertains to non-functional descriptive material, **see *In re Ngai* case # 70 USPQ2d 1862.**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

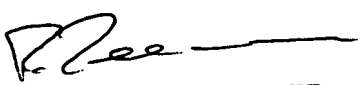
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mussa A. Shaawat whose telephone number is 571-272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mussa Shaawat
Patent Examiner
July 19, 2007

 8/14/07
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER